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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,855

03/08/2002

Uwe Foell

P02,0054

2608

7590

01/13/2006

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EXAMINER

HO, DUC CHI

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/070,855	Applicant(s) FOELL ET AL.	
	Examiner Duc C. Ho	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/02 - 11/24/03</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow (US 6,937,566), in view of Voit et al. (US 6,289,010), hereinafter referred to as Voit.

Regarding claim 9, Forslow discloses dynamic quality of service reservation in a mobile communications network.

In Forslow, the computer 18-fig.1 is capable of transmitting data via the first packet data network 26-fig.1 or 56-fig. 2, and the second packet data network 22-fig.1 or 51-fig.2, and data from the second network is wirelessly transmitted to the mobile terminal 16-fig.1, see col. 1-line 52 to col.2-line10. The SGSN 50 is a radio interface used for transmitting packet data wirelessly

from and to a mobile communications device. The communication link between the computer 18-fig. 1, the first network 56-fig. 2, the second network 51-fig. 1 and the mobile terminal 16-fig. 1 is setup if criteria such as: the GGSN 54-fig. 2, see col. 10, lines 48-50, acting as a router needs to ensure that it can commit to the requested QOS reservation such as bandwidth or not, packet classification, scheduling, etc, see col. 12-line 52 to col. 13-line 7, are met, see col. 10-line 67 to col. 13-line 47.

Forslow, however, does not expressly teach (1) charging for the data transmission utilizing a charging device which is associated with the second packet-based communications network; (2) controlling, with the charging device, the setup and clear-down of the communications link if the appropriate criteria are met; and (3) recording, with the charging device, a quantity associated with the data transmitted via the communications link.

One skill in the art would recognize the advantage of having a charging device associated with the second packet-based communications network for setup and clear-down a communication link, and recording the charge associated with the data transmitted via the communication link so that a subscriber who would like to transmit data to a mobile device, for example, an important message, etc., will be paying for the transmitted data via the connection to the mobile device.

Voit discloses inbound gateway authorization processing for inter-carrier internet telephony. (1) The unit C3-fig. 27 is employed for (2-3) connection authorization, usage, and pricing, as well as to setup and release a connection if the bandwidth request is met, see col. 44-line 3 to col. 45-line 40.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Forslow with Voit.

The suggestion/motivation for doing so would have been to provide a charging mechanism of Voit into the SGSN 50-fig.2 for charging a connection based on the transmitted data from the SGSN to the mobile terminal.

Therefore, it would have been obvious to combine Voit with Forslow to obtain the invention as specified in claim 9.

Regarding claim 10, please see the rejection of claim 9. The C3 unit of Voit is used to verify the call or connection for data transmission, access authorization, and the setup and release of the connection.

Regarding claim 11, please see the rejection of claim 9. The criteria in Forslow including the availability of defined parameters such as: packet classifying, scheduling and policing functions, see col. 12, lines 27-65.

Regarding claim 12, please see the rejection of claim 9. The system of Voit is capable of determining the quantity associated with the data transmitted by a volume of packet data transmitted, and recording the quantity, see col. 26, lines 25-40.

Regarding claim 13, please see the rejection of claim 9. The system of Voit is capable of determining the quantity associated with the data transmitted by a duration of the communication link, and recording the quantity, see col. 6, lines 28-45.

Regarding claim 14, please see the rejection of claim 9. The system of Voit is capable of determining the quantity associated with the data transmission by a number of communication links set up, and recording the quantity.

Regarding claim 15, this claim has similar limitations as claim 9. Therefore, it is rejected under Forslow-Voit for the same reasons set forth in the rejection of claim 9.

Allowable Subject Matter

4. Claim 16 is objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Menon et al. (2002/0048268); Albal (US6,668,046); Muhonen (US 6,920,317); Kari (US 6,243,579); Rosenberg (US 6,307,924) are cited to show a method for charging for the transmission of data in packet-based communications network, which is considered pertinent to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2665

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

A handwritten signature in black ink, appearing to read 'Duc Ho', written in a cursive style.

Duc Ho

1-11-06